

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5429 of 2020**

- Ashwini Kumar Rathiya S/o Dharamlal Rathiya Aged About 19 Years R/o Farkanara, Police Chowki Jobi, Police Station Kharsiya, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kharsiya, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vivek Mishra, Advocate.
For State	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2020**

Heard.

- The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.287/2020 registered at Police Station- Kharsiya, District-Raigarh, C.G. for the offence under Sections 376 & 506 of IPC, Section 6 of POCSO Act and Section 67-A of Information Technology Act.
- Prosecution case is that the applicant kept on sexually exploiting the prosecutrix since 07.08.2018 onwards and thereafter he prepared video, photograph of obscene positions and it was made viral.
- Learned counsel for the applicant would argue that the applicant has been falsely implicated in the case in respect of old incident which is said to have occurred way back in the year 2018. He would submit that all through this period, the prosecutrix never made any allegation and only when the applicant got married, all such allegations are levelled. He would also submit that, in fact, the dispute between the parties was settled on 04.05.2020 and a written compromise document was prepared in the presence of parents of the parties and the villagers also. It was only later on that the prosecutrix turned around and started making false allegation and lodged FIR as late as on 09.07.2020.

4. On the other hand, learned State Counsel opposes and submits that the statement of the prosecutrix, written complaint and what has been stated in her statement under Section 164 Cr.P.C., it is prima facie made out that when the prosecutrix had completed 17 years of age on 07.08.2018, she was first subjected to sexual intercourse and rape was committed and continued later on, her photographs were taken on mobile and on the basis of such obscene photographs, threat was being given that if it is disclosed, photo would be made viral, finally photographs were also made viral. Mobile of the prosecutrix and the applicant have also been seized by the police.
5. Taking into consideration the submissions of learned counsel for the parties, nature and gravity of the allegation, statement of the prosecutrix, seizure of mobile and the age as per the records of the prosecution, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge